

R590. Insurance, Administration. Effective 4-27-94**R590-151. Records Access Rule.****R590-151-1. Authority.**

This rule is adopted pursuant to the provisions of Chapter 2, Title 63, the Government Records Access and Management Act (GRAMA), specifically Sections 63-2-401 and 63-2-603, and Subsections 63-2-204(2), 63-2-904(2), 63-2-203(3), 63-2-202(8), 63-2-201(10), and 63-2-203(2)(a).

R590-151-2. Purposes.

The purposes of this rule are to define how record requests are to be made to the Insurance Department, to designate the person who shall fulfill various functions pursuant to the requirements of GRAMA, and to define how an individual may contest the accuracy and completeness of records concerning that individual which are maintained by the department.

R590-151-3. Rule.**A. Making a Request for Access to Records.**

1. (1) All record requests made under the provisions of GRAMA shall be made in writing and shall comply with the requirements of Subsection 63-2-204(1), and shall be directed to the Records Officer, Utah Department of Insurance, State Office Building, Room 3110, Salt Lake City, Utah, 84114.
2. (2) The department's response may be delayed if a submitted request does not comply with the requirements of Subsection (1).
3. (3) The department may, at its discretion, waive the requirement for a written request if the records requested are public and readily accessible, or for other good cause shown.

B. Appeals From Initial Decisions.

All appeals from an initial decision by the department, which denies access to a record, shall be addressed to the insurance commissioner and shall conform to the requirements of Section 63-2-401. The authority to order disclosure or nondisclosure is delegated to the head of the division which maintains the record or to any other person the commissioner may designate from time to time.

C. Contesting Accuracy or Completeness of a Record.

1. (1) Any request pursuant to Subsection 63-2-603(2) shall be directed to the records officer.
2. (2) Consideration of the request shall be conducted as an informal adjudicative proceeding unless converted to a formal adjudicative proceeding by the presiding officer.
3. (3) A request to amend findings of fact in any administrative proceeding where the time for appeal has expired shall be denied. These types of records shall be maintained in their original form to protect the public interest and the integrity of the Administrative Records. Section 63-2-603, shall not apply.

R590-151-5. Severability.

If any provision or clause of this rule or the application of it to any person is for any reason held to be invalid, the remainder of the rule and the application of any provisions to other persons or circumstances shall not be affected.

KEY: insurance companies

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63-2-204

63-2-904

63-2-401

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